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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**AMENDED MOTION FOR ORDER
REQUIRING KUMMER
KAEMPFER BONNER RENSHAW &
FERRARIO, LTD. TO PRODUCE
ONE OR MORE
REPRESENTATIVES FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Kummer Kaempfer Bonner Renshaw & Ferrario, Ltd. ("KKBR&F") to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Lewis and Roca, 3993 Howard
 2 Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than
 3 ten (10) business days after the filing of this Motion, or at such other mutually agreeable
 4 location, date, and time, and continuing from day to day thereafter until completed.¹

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning legal services performed by KKBR&F
 9 on behalf of USACM, the other debtors in the above-captioned cases (together with
 10 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
 11 related entities. The Movant seeks this information to assist in the collection of the assets
 12 and the investigation of the liabilities of the Debtors.
 13

14 The requested discovery from KKBR&F is well within the scope of examination
 15 permitted under Bankruptcy Rule 2004, which includes:
 16

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 18 of the debtor, or . . . any matter which may affect the administration of the
 19 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
 20 reorganization case under chapter 11 of the Code, . . . the examination may
 21 also relate to the operation of any business and the desirability of its
 22 continuance, the source of any money or property acquired or to be acquired
 23 by the debtor for purposes of consummating a plan and the consideration

24 ¹ The Movant previously obtained an order from this Court requiring KKBR&F to produce
 25 certain documents and one or more representatives for a Rule 2004 examination.
 26 However, KKBR&F objected to the Rule 2004 subpoena on the grounds of various
 privileges purportedly held by USA Investment Partners LLC and other debtor entities.
 As a result, KKBR&F only recently produced documents in response to the subpoena once
 the privilege issues were resolved, and KKBR&F has not appeared for a Rule 2004
 examination. The Trust now files this Amended Motion because the time period for
 taking the examination, as set forth in Court’s prior order, has expired.

given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.²

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: November 2, 2007.

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² Fed R. Bankr. P. 2004(b).